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DEPT OF JUSTICE FOR DAAG/CRM SWARTZ

E.O. 12958: DECL: 02/28/2028

TAGS: PTER PREL PGOV EU TU

SUBJECT: S/CT PDAS URBANCIC'S ANKARA VISIT: PROGRESS ON
CRIMINAL APPROACH TO PKK

REF: 07 ANKARA 2992

Classified By: Acting Deputy Chief of Mission Kim DeBlauw.
Reasons: 1.4 (b)(d).

¶1. (C) Summary. Ankara-based diplomats expressed frustration in dealing with Turkish prosecutors and described successes in tackling the PKK during a February 12 meeting with S/CT PDAS Urbancic. The Belgian police liaison reported establishment of a new federal prosecutor dedicated to PKK crimes and new efforts to prosecute the PKK on criminal, vice terrorism, charges. He also noted a U.S. company may be involved in ROJ-TV programming in Belgium. UK DCM reported British "removal" February 2 of the PKK's UK leader. Separately, the new head of Turkey's FIU shared the names of European NGO's suspected of supporting the PKK and pledged further cooperation. MFA U/S Apakan stressed the need for continued efforts by Iraqi authorities to stop PKK activities in northern Iraq. MOJ U/S Kasirga welcomed the upcoming roundtable of extradition organized by MOJ and Embassy RLA. End summary.

¶2. (C) S/CT PDAS Frank Urbancic on February 11-12 briefed Ankara-based European diplomats and officials from the Ministry of Justice and Turkey's Financial Intelligence Unit on his February 5-8 consultations in Copenhagen, Berlin and Brussels on the PKK. (A separate interagency meeting is reported septel.) Urbancic was accompanied by Embassy Ankara Resident Legal Advisor (RLA) Suzanne Hayden, Treasury official Chris Burdick (currently seconded to EUCOM), S/CT officer Kurt Hallberg and EUR/SE Turkey desk officer Danielle Garbe.

Roundtable with Ankara-based European Diplomats

¶3. (C) During a February 11 roundtable with diplomats and law enforcement representatives from the Ankara embassies of Austria, Belgium, Denmark, France, Germany, the Netherlands and the UK, Urbancic reviewed his recent visits to Copenhagen, Berlin and Brussels. He described how the United States is working with Turkey and European partners to address the PKK terrorist threat by also prosecuting its criminal activities and "following the money." He reviewed a number of recent legal successes, including Germany's extradition to Turkey of two PKKers in 2007.

¶4. (C) Embassy Ankara RLA Hayden asked participants to help identify the appropriate prosecutors and extradition experts from their countries to attend a March 25-27 roundtable in Istanbul that will bring together Turkish and European counterparts to discuss past and current extradition cases and what needs to be done differently to succeed.

Working-level Turks, Urbancic observed, are now more willing to talk about their own weaknesses and address them. He urged roundtable participants to bring hard cases. Turkey is also more willing to deal with the PKK on criminal grounds (the "Al Capone approach"), rather than insisting on treating it solely as a terrorist group. The latter method often failed in Europe, where the PKK continues to enjoy broad public support, despite having been designated as terrorist group by the EU.

Belgium to Seek Criminal Charges Against Fehriye Erdal

¶5. (C) Belgian Police Liaison Officer de Winter related that Turkey had earlier sought Belgian prosecution on terrorist grounds of Fehriye Erdal for murdering Turkish industrialist Ozdemir Sabanci in 1996. That effort had failed. Belgium was now seeking to try her on criminal grounds, i.e., murder.

A team would arrive in Turkey that day (February 11) seeking Turkish cooperation in a criminal investigation. Urbancic, who had learned about the investigative team while in Brussels, promised to press the Turks to cooperate with the Belgian effort. De Winter observed his government had recently appointed a federal prosecutor to bring together all PKK cases, e.g., extortion, arson, trafficking, including those cases that in the past would have been considered too small to pursue. He agreed Europe needs a closely integrated approach to the PKK, noting the March 2007 EUROJUST

conference had been a good start. Separately, de Winter related that a U.S.-incorporated company, Rainbow TV, appeared to be involved in the production of television programs for ROJ-TV in Brussels and asked us to investigate ties between the two companies. (Note: De Winter subsequently faxed information on Rainbow TV's incorporation in Delaware which was forwarded to Washington.)

Danes to Explore Criminal Grounds to Close ROJ-TV

¶6. (C) Denmark and Turkey held their first bilateral counterterrorism talks in December 2007, Danish DCM Soren Jacobsen noted (reftel). Denmark wants closer CT cooperation. However, because of Danish laws, it would be difficult to shut down ROJ-TV administratively, as had been done in the UK and France. Denmark was now looking at possible criminal grounds, such as money laundering and copyright infringement, to close it. Belgian de Winter added that a U.S. company is co-located with a ROJ-TV production company in Belgium and appears to be involved in the production of ROJ-TV programs. The U.S. delegation was not aware of this U.S. company connection and requested further information.

UK "Removes" PKK Leader

¶7. (C) UK DCM Giles Portman reported Britain had arrested the head of PKK in the UK, Selman Bozkurt, on February 2. The government was unable to gather enough evidence to prosecute him, but "removed" him back to France and froze his assets. Bozkurt's "removal" served two important purposes. First, it sent a clear signal that the PKK would not be tolerated in the UK. Second, publicity surrounding the removal would have a significant dampening effect on the PKK's fund raising. The government would have preferred to prosecute, but sometimes must settle for second best. A series of "second bests," however, can add up to a considerable outcome, Portman observed. Urbancic agreed; the PKK is now feeling pressured. We will first have to disrupt them and we can then move to defeat them, he said.

Dutch Frustration at Turkish Prosecutors

¶8. (C) Dutch prosecutors wishing to pursue PKK cases are often denied direct access to the accused by certain Turkish prosecutors, Dutch DCM Tom van Oorschot reported. Consequently, Dutch prosecutors are rarely willing to initiate a case. Urbancic and Hayden agreed that this would be a good item to raise at the upcoming roundtable. If the Turks cannot give access, there can be no case.

MASAK: Turkey's FIU Welcomes Further Cooperation

¶9. (C) Urbancic's delegation met with MASAK's (Turkey's Financial Intelligence Unit) new President Adnan Erturk and a group of his top managers. Urbancic and U.S. Treasury official (seconded to EUCOM) Christopher Burdick discussed their earlier meetings with Belgian, German, Danish, and EU leaders on the U.S. designation of the Kurdish Freedom Falcons (TAK) as a terrorist organization, next steps in going after terrorist financiers, including cash couriers, and European efforts to stop the money flow. Burdick outlined the variety of ways the PKK and other terrorist groups raise money, including via charitable organizations and youth camps, and asked Erturk to share the names of any relevant organizations operating in Europe.

¶10. (C) Erturk's team listed the following entities: Karsas, a businessmen's organization working in Germany and throughout Europe; UK-based Kurdistan Children's Foundation, which also operates in Germany and Holland; Iraq-based Kurdistan Children's Protection Foundation, which solicits money in Europe; Navend, which operates in Germany; Mamoyan (NFI); Hevar, which operates in the Netherlands; Sivan Perver, which is an international culture and art foundation out of Germany; and Sun (Gunes) of Mesopotamia.

¶11. (SBU) Hayden raised an upcoming roundtable jointly sponsored by the Ministry of the Interior and DOJ on

counterfeit cigarettes emanating from northern Iraq. She elaborated on the use of proceeds from smuggling such counterfeit cigarettes as a funding source for the PKK. Erturk offered that MASAK participate with RLA in a small working group to "follow the money" from these crimes. Separately, Erturk assured the U.S. delegation that MASAK is working to resolve all outstanding issues in the Financial Action Task Force review in preparation for the February 2009 follow-up review.

Justice U/S Kasirga Welcomes Extradition Roundtable

¶12. (C) Urbancic briefed Ministry of Justice U/S Fahri Kasirga February 11 on U.S. efforts to improve cooperation between Turkey and European countries in the fight against the PKK, including the process for extraditing PKK criminals from Europe to Turkey. In Berlin, German officials had described to Urbancic several recent successful extraditions to Turkey. The Germans had expressed willingness to work with European countries to strengthen extradition efforts across the continent, although they were not willing to take the lead in such an effort; nor were the Germans willing to be held up as an example for the other Europeans to follow. Urbancic pointed to the March 25-27 conference on extradition in Istanbul being organized by Embassy Ankara RLA Hayden as a near-term opportunity for Turkey to educate its European partners about the vast improvements Turkey had made in its criminal justice system, and to explore overcoming obstacles to extradition. U/S Kasirga agreed that the March conference would be an important opportunity for Turkey to expand its cooperation, and pledged full support.

¶13. (C) Urbancic conveyed to U/S Kasirga the Belgian government's desire to work cooperatively with Turkey on countering terrorism. In Brussels, Belgian officials said they would not be thwarted by an Antwerp court's acquittal of eight Turkish suspects on charges of belonging to the terrorist group Revolutionary People's Liberation Party-Front (DHKP-C). The prosecutor believed the judge had erred, and assured the U.S. delegation that Belgian justice officials

would use Belgium's new anti-terror law to fight DHKP-C, the PKK and other terrorist groups. The Belgians had also expressed interest in prosecuting Fehriye Erdal on the criminal charge of murder in the 1996 death of Turkish industrialist Ozdemir Sabanci. Urbancic requested the GOT provide full investigative support to the Belgians. U/S Kasirga noted that his ministry was preparing to receive a Belgian delegation the following day to discuss the case and other ways to cooperate in the fight against terrorism.

MFA U/S Apakan Urges More Iraqi Action Against PKK

¶14. (C) During a courtesy call on MFA Undersecretary Apakan, Urbancic described USG efforts against the PKK in Europe and enforced the USG commitment to working with Turkey to counter the PKK through a comprehensive strategy. Apakan welcomed Urbancic's personal efforts and the work of the USG broadly, emphasizing that Turkey puts great stock in this cooperation and particularly on U.S. assistance with European counterparts. Apakan noted that Turkey was concerned about the recent Belgian court ruling on the DHKP-C and the need for continued efforts by Iraqi authorities to stop PKK activities in northern Iraq. He added that Ambassador Guven would be Turkey's delegate to the EU Troika talks on counterterrorism and pledged to continue to work with European governments to shut down the criminal and financial networks that support the PKK.

Comment

¶15. (C) U.S. promotion of the "Al Capone approach," i.e., pursuing criminal charges against the PKK and other terrorists rather than depending solely on terrorism charges, is beginning to pay off. More European countries are taking this line of attack and Turkey is also slowly acknowledging the benefits of this approach. Both the Turks and many European countries recognize that greater cooperation is in their mutual interest and are trying harder to find areas to work together. The upcoming roundtable on extradition will offer our next big opportunity to build trust and bridge the communication gaps that have hampered closer cooperation.

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